

N. C., alleging that the article had been shipped in interstate commerce on or about December 12, 1940, by Jersey Belle Food Products Co. from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "8 Fl. Oz. Pure Extract Vanilla Plantation Extract Corp. New York, N. Y."

The article was alleged to be adulterated (1) in that an imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for "Pure Extract Vanilla"; (2) in that inferiority had been concealed through the addition of foreign resins; and (3) in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement "Pure Extract Vanilla" was false and misleading as applied to an imitation vanilla extract containing resinous substances not found in genuine vanilla extract; (2) in that it was offered for sale under the name of another food; and (3) in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated.

On August 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Food and Drug Administration for technical purposes.

**2818. Adulteration and misbranding of vanilla extract. U. S. v. 155 Bottles of Vanilla Extract. Default decree ordering product delivered to Food and Drug Administration.** (F. D. C. No. 3784. Sample No. 35525-E.)

On February 7, 1941, the United States attorney for the Middle District of Alabama filed a libel against 155 bottles of vanilla extract at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about December 15, 1940, by Midwest Laboratories from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated (1) in that imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for "Pure Extract Vanilla"; (2) in that inferiority had been concealed through addition of foreign resins; and (3) in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded (1) in that the statement on the label "Pure Extract Vanilla" was false and misleading; (2) in that it was offered for sale under the name of another food; and (3) in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and immediately thereafter the name of the food imitated.

On April 11, 1941, no claimant having appeared, judgment was entered finding the product adulterated and misbranded as alleged in the libel and ordering that it be delivered to the Food and Drug Administration.

### VITAMIN PREPARATIONS

**2819. Misbranding of Crawford's Formula 53 with Vitamin E and Crawford's Ridia. U. S. v. 9 Bottles and 4 Bottles of Crawford's Formula 53 with Vitamin E and 1 Bottle of Crawford's Ridia. Default decree of condemnation and destruction.** (F. D. C. Nos. 3556, 3557. Sample Nos. 32615-E, 32621-E.)

The labels of both of these products failed to bear the common or usual name of each of the ingredients; Crawford's Ridia also bore false and misleading statements, including representations that it was a suitable supplementary food for diabetics.

On January 6, 1941, the United States attorney for the District of Arizona filed a libel against the above-named products at Tucson, Ariz., alleging that Formula 53 had been shipped on or about July 18, 1940, by Walter Bopp from Eagle Rock, Calif., and that Crawford's Ridia had been shipped on or about August 12, 1940, by Crawford Foods, Inc., from Los Angeles, Calif.; and charging that they were misbranded.

Crawford's Formula 53 with Vitamin E was alleged to be misbranded in that its label failed to bear the common or usual name of each of its ingredients since the names "lucerne" and "capsicum," appearing on the label, were not the common or usual names of the ingredients alfalfa and cayenne pepper, respectively.

Crawford's Ridia was alleged to be misbranded (1) in that the statements on the label, "Supplementary Food for Diabetics, \* \* \* Ridia is a Food Adjuvant

to regularly prescribed diets. Ration—Five or more tablets after each meal, according to supplementary needs in the diet," were false and misleading since the article possessed no properties which made it of peculiar use as a supplementary food for persons suffering with diabetes; (2) in that the statement on the label "Contains Fatsia Horrida and vegetable matter as excipient" was false and misleading in view of its actual composition; and (3) in that its label failed to bear the common or usual name of each of its ingredients.

The libel alleged that Crawford's Formula 53 was also misbranded under the provisions of the law applicable to drugs and devices as reported in D. D. N. J. No. 441.

On February 21, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**2820. Misbranding of New Food. U. S. v. Parke D. Brollier (Parke-Lee Food Co.). Plea of nolo contendere. Judgment of guilty. Fine, \$100 and costs. (F. D. C. No. 2912. Sample No. 15001-E.)**

The labeling of this product, which consisted of ground and roasted flaxseed, bore false and misleading representations regarding its constituents and its efficacy in the conditions indicated hereinafter.

On April 21, 1941, the United States attorney for the Northern District of Ohio filed an information against Parke D. Brollier, trading as Parke-Lee Food Co., Lorain, Ohio, alleging shipment on or about February 8, 1940, from the State of Ohio into the State of Iowa of a quantity of New Food which was misbranded.

It was alleged to be misbranded in that the statements, "New Food \* \* \* The Original Natural \* \* \* Food, \* \* \* Newfood is, as the trade name implies, an entirely new type of food. \* \* \* The nutritional value of this all-vegetable auxiliary food with its natural \* \* \* minerals, fats, proteins, gives \* \* \* extra nourishment and strength. This food contains an all-vegetable mucin (mucilage) \* \* \* Newfood is an excellent auxiliary food," appearing in the labeling, were false and misleading in that they represented that the article was a new food; that it possessed such nutritional value that it would supply important amounts of minerals, fats and proteins and thus give extra nourishment and strength, and would furnish an appreciable amount of mucin (mucilage), whereas it would not be of value for such purposes.

It was alleged to be misbranded further in that the statements "Modern articles of food in our everyday diet may be responsible for many distressing symptoms. Methods of preparation may have destroyed much of the vital constituents, and synthetic compounds that are minus essential elements being substituted for natural products, may also be responsible for dietary deficiencies. We live principally on sugar and starches, neither of which are greatly destroyed by the process of cooking," and "This food will be a pleasant and effective addition to the diet of any person of any age," appearing in the circular, were false and misleading in that they represented that it would supply vital constituents which are lacking in modern foods or might have been destroyed by modern methods of preparation, and which would be an effective addition to the diet; whereas it would not be of value for such purposes.

It was alleged to be misbranded further in that the statements "(Vitamin 'F') \* \* \* food consisting essentially of a natural blend of the seed coat and embryo of the seeds of linum usitatissimum (Flax) U. S. P.," borne on the label, and " \* \* \* Food \* \* \* with \* \* \* (Vitamin 'F'), \* \* \* Eminent food authorities are agreed that there exists a certain fatty acid deficiency, principally a deficiency of Linolic, Insolinolic and Linolinic or Unsaturated Fatty Acids (Vitamin 'F'), \* \* \* Scientifically processed and prepared from a natural blend of the seed coat and embryo of a selected variety of seeds of linum usitatissimum (flax) U. S. P. \* \* \* The Linolic, Insolinic and Linolinic, Unsaturated Fatty Acids (Vitamin 'F')," appearing in the circular, were misleading in that the statement "a natural blend of the seed coat and embryo of a selected variety of seeds of linum usitatissimum (flax)," was a misleading description of ground and roasted flaxseed, and authorities are not agreed that the term "vitamin F" is a proper name to be applied to the unsaturated fatty acids, nor are they agreed that there are fatty acid deficiencies in the ordinary human diet.

It was alleged to be misbranded further in that certain statements in the labeling were false and misleading in that they represented that it would be efficacious in the treatment of symptoms of diabetes, stomach and intestinal ulcers, high blood pressure and indigestion; that it would be beneficial to the diabetic and would aid diabetics to reduce their sugar and would assist in keeping diabetics sugar free, and that it would give diabetics extra nourishment and